

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
(Greenbelt Division)

In re:)	
GREGORY B. MYERS,)	Case No. 15-26033-MCR
)	(Chapter 7)
Debtor.)	
)	

OPPOSITION TO MOTION TO HOLD ROGER SCHLOSSBERG IN CONTEMPT

Roger Schlossberg, Chapter 7 Trustee of the Bankruptcy Estate of Gregory B. Myers (the “Trustee”), by his undersigned counsel, hereby opposes the *Motion to Hold Roger Schlossberg in Contempt* (the “*Contempt Motion*”) [Dkt. #1043], filed by the Debtor, Gregory B. Myers (“Myers” or “Debtor”), and respectfully states as follows:

1. The Debtor is not a party to the compromise and settlement that is the subject of this Court’s *Order Granting Motion for Approval of Proposed Compromise and Settlement with Brian King, Cristina King, and the Cristina and Brian King Children’s Trust* (hereafter the “*Settlement Procedure Order*”) [Dkt. #1029], and, therefore, the Debtor lacks standing to seek enforcement of the underlying agreement between the Trustee and the King Parties, which was approved by this Court in the *Settlement Procedure Order*, through a request that the Trustee be held in contempt. *See, e.g., Walsh v. JPMorgan Chase, NA*, 75 F. Supp. 3d 256, 262 (D.D.C. 2014) (dismissing complaint “because plaintiff is not a party to the consent judgment [at issue] and therefore lacks standing to enforce it”) (and cases cited therein).

2. In any event, even if the Debtor has standing to bring the *Contempt Motion*, there is no basis to hold the Trustee in contempt. The Trustee and the King Parties have filed in the state court action a stipulation dismissing (without prejudice) the King Parties’ claim against Serv Trust regarding the alleged redemption of Serv Trust’s interest in 6789 Goldsboro, LLC, as contemplated by the *Settlement Procedure Order*. *See Stipulation of Dismissal*, filed in *Brian King, et al. v. Serv*

Trust, et al., Case No. 439677-V (Montgomery County Cir. Ct.), attached hereto as ***Exhibit 1***.¹ As a result, the *Contempt Motion* is now moot.

WHEREFORE, in consideration of the foregoing, the Trustee respectfully requests that the *Contempt Motion* be DENIED.

Respectfully submitted,

SCHLOSSBERG | MASTRO

By: /s/ Frank J. Mastro

Frank J. Mastro #24679

Roger Schlossberg

P.O. Box 2067

Hagerstown, MD 21742

(301) 739-8610

fmastro@schlosslaw.com

rschlossberg@schlosslaw.com

Attorneys for Roger Schlossberg, Trustee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this **7th** day of **May 2024**, I served a copy of the foregoing *Opposition to Motion to Hold Roger Schlossberg in Contempt*, together with all exhibits or attachment referenced therein or attached thereto, and a proposed form of order, upon all parties listed on the attached CM/ECF Mail List:

(a) via electronic mail to those individuals included on the *Electronic Mail Notice List* at those email addresses noted thereon; and

¹ The state court previously entered a judgment holding that Serv Trust is the alter ego of the Debtor (the “Alter Ego Order”). See *Settlement Procedure Order*, slip op. at 7-8. “[T]he Alter Ego Order vested all of Serv Trust’s assets in the Debtor’s bankruptcy estate pursuant to Section 541(a), and those assets are subject to administration by the Trustee as the legal representative of the bankruptcy estate under Section 323(a).” *Id.*, slip op. at 17. Thus, the Trustee is empowered to stipulate to the dismissal of the claims asserted against Serv Trust in the state court proceeding.

(b) via first-class mail, postage prepaid, to those individuals included on the *Manual Notice*

List as follows:

Gregory B Myers
700 Gulf Shore Boulevard North
Naples, FL 34102

Barbara Ann Kelly
4505 Wetherill Rd.
Bethesda, MD 20816

Michael K. Myers
7728 Lee Avenue
Alexandria, VA 22308

Bradford F. Englander, Esq.
Whiteford Taylor & Preston, LLP
3190 Fairview Park, Suite 800
Falls Church, VA 22042

Benjamin J. Andres, Esq.
Whiteford Taylor & Preston, LLP
8830 Stanford Blvd., Suite 400
Columbia, MD 21045

Gleason, Flynn, Emig & Fogleman, Chtd.
11 N. Washington St., Suite 400
Rockville, MD 20850

Nelson Mullins Riley & Scarborough LLP
101 Constitution Ave. NW, Suite 900
Washington, DC 20001

IPFS Corporation
30 Montgomery Street, Suite 1000
Jersey City, NJ 07302

Hunter Harman
Berkshire Hathaway Home Services
2063 Highway 395 South
Santa Rosa Beach, FL 32459

Roger Simmons, Esq.
Gordon & Simmons, LLC
1050 Key Parkway, Suite 101
Frederick, MD 21702

Further, additional copies of the *Service Set* were served via first-class mail, postage prepaid, upon:

Office of the U.S. Trustee
6305 Ivy Lane, Suite 600
Greenbelt, MD 20770

/s/ Frank J. Mastro
Frank J. Mastro